

Actus Privacy Policy 2018



Actus (*a trading name of Advance Change Ltd*) is a provider of Performance Management Software, Organisational Development Consultancy and Training.

This privacy policy outlines Actus general business policy and practices for implementing privacy principles, including the types of information to be gathered, how that information will be used, and the notice and choice affected individuals have, regarding that use of and their ability to correct that information. This privacy policy applies to all Private Information received by Actus, whether in electronic, paper, or verbal format and outlines the approach where Actus is a data controller and also as a data processor.

1. Actus the Data Controller

As a data controller Actus collects, stores, processes or transmits data in order to provide services to customers and its personnel. This could involve marketing of the Services, the processing of orders for Customers and Customer Support activities, or for the purposes of conducting corporate activities such as interacting with suppliers, job applicants or other interested parties.

By providing personal information to Actus in any of the ways described in this Policy, by instructing or authorising another party to provide such information or by entering into a contract with Actus that requires such processing, the Data Subject is agreeing that they are authorised to provide the information and that they accept this privacy policy and that Actus is authorised to process it.

Actus will collect a range of information about the Data Subject, either via activity using our website or emails, ticketing systems, telephone, in person or at events. This information includes:

- Name
- Organisation
- Job title
- Address of employment
- Phone number
- Email address
- IP address
- Username

We will not collect sensitive categories of data on a subject without their explicit consent.

Actus may from time to time contact the Customers or Data Subjects via email regarding service related matters such as billing, account management, maintenance and website updates or information that they may find of interest.

Data Retention

We will keep your personal information for as long as you are a customer of Actus.

After you stop being a customer, we may keep your data for up to 6 years for the following reasons:

- To respond to any questions or complaints.
- To comply with the legal requirements.

2. Actus as a Data Processor

Actus also acts as a data processor on behalf of the Customer collecting and processing personal data in relation to some or all of the following HR or compliance related activities including but not limited to employee performance management and appraisal; talent management; absence management; professional development and feedback; storage of personal data for HR reporting and remuneration; monitoring of regulatory compliance and assurance. Actus is being used to process data to allow the Customer to operate an online HR database and Employee Performance Management system for its staff.

The purpose may include some or all of the following depending on the modules that the Customer has selected: Performance Management and Appraisal; Training & Development; Professional Revalidation; Feedback & Development; SMCR assurance and accreditation. Other related HR recording and reporting for the duration of the agreement

Visibility of data and subject access requests

Actus Software is designed to be fully transparent, therefore, data entered within the system is fully visible to the individual in question and they will have contributed to that data. It is also visible to their manager and those whose reporting line they fall into. Each company will have a small number of HRAdmin user logins for authorised internal individuals. They are able to view data within the system for their company through this login.

Therefore, any subject access requests can and should be administered locally in the first case as the data is accessible by the individual and by the Company HR Admin. Actus Software shall allow an individual to access their Private Information and permit the individual to correct, amend, or delete inaccurate information, unless the cost of providing access would be disproportionate to the risks to the privacy of the individual in the case in question, or where the rights of other persons would be violated by permitting access to such information.

If for some reason the subject access request requires a database extract, this should be requested in writing by the Company sponsor on behalf of the subject and may be subject to a minimum charge, however the extract can be provided within 21 days to accommodate the response times recommended by the ICO.

Privacy within the Client Company

The Client Company is expected to enforce adequate privacy and data protection procedures to protect access and privacy of data within Actus. This includes always accessing the system from a password protected device, keeping passwords confidential and using 8 characters with a combination of upper and lower case, special characters and numbers. Actus cannot be held responsible for breach of these privacy or data protection procedures.

Actus Software uses a feature of your Internet Web Browser called a 'Cookie'. A Cookie is a file that a Web Browser places on a computer's hard disk that allows Actus to maintain a link between the client browser and the system. Actus uses Cookies to maintain the client session on the website and store their preferences. The Cookie will remain on an individual's hard disk indefinitely. Most browsers accept cookies automatically. Cookies can be deleted from an individual's browser if required. Please note that Actus Software do not use Cookies to retrieve personal information about you from your computer, unless the information has been knowingly and willingly provided.

Customer Data and Data protection

The Customer owns all rights, title and interest in and to all of the Customer Data and shall have sole responsibility for the legality, reliability, integrity, accuracy and quality of this data. Actus shall follow stringent back up and archiving procedures for Customer Data as set out in its Back-Up Policy accessible at www.Actus.co.uk. In the unlikely event of any loss or damage to Customer Data, the Customer's sole and exclusive remedy shall be for Actus to use its reasonable commercial endeavours to restore the lost or damaged Customer Data from the latest back-up of such Customer Data maintained by Actus in accordance with the Back-Up Policy. Actus shall not be responsible for any loss, destruction, alteration or disclosure of Customer Data caused by any third party. If Actus processes any personal data on the Customer's behalf when performing its obligations under this agreement, the parties record their intention that the Customer shall be the data controller and Actus shall be a data processor and in any such case: Personal data is stored in the UK and will **not** be transferred or stored outside of the UK without the express permission in writing of the customer.

Data transfers and the use of Data Sub-Processors

Actus will not share Subject data with a third party not directly associated with the provision of services without their explicit consent. Actus will also not transfer Subject data to a third party country outside of the UK or EEA that is not compliant with the applicable data protection laws via adequacy agreement, Binding Corporate Rules or other legally appropriate means as defined by the Information Commissioners Office without their explicit consent.

Actus makes use of a number of third party organisations and consultants for the purposes of delivery of Services to the Customer.

Whilst the following list is not intended to be exhaustive, Actus typically only transfers the personal data relating to our customers, where required for the activities set out below, to the following third parties or Data Processors:

Goldvision – Customer Relationship Management and marketing activities
Mint Software Ltd – Software Development
Boudeling Associates – Software Development
Memset Ltd – Data Centre hosting
Amazon Web Services – Colocation data centre hosting
Microsoft Ltd – Email and internal document management
Google UK Ltd – Email and data hosting
Quickbooks – Accounting

By interacting with Actus as defined in this policy, the Subject provides their consent for this transfer and use of our Data Processors and their Data Sub-Processors, and for transfer to any other appropriate third party Data Processor for the purposes of delivery of the Services and customer relationship management activities. No data transfer will be undertaken that is outside of the strict scope of the Purposes stated in this policy, or that will materially degrade the security of the Subject's data or the Data Subject's rights and in any event the security provisions will be compliant with the applicable Data Protection Laws. Such Data Processors and Sub Processors will be contractually bound to process only in accordance with our instructions and to maintain technical and organisational controls in compliance with our security policy and the requirements of the GDPR.

Commitment to confidentiality and security of processing

Actus will use appropriate technical and organisational security measures within their sphere of responsibility to ensure an appropriate level of confidentiality, integrity and, where Actus is the Data Controller, availability of Subject data and to ensure its availability in the event of a business continuity incident. Actus will also undertake security and data protection assessments of any third parties we elect to use prior to transfer of any Customer Data and regularly thereafter.

Whilst Actus maintains configured encrypted endpoints for Control Panel and API HTTPS communication and appropriate internal security controls, the Subject retains sole responsibility for their data when outside of Memset systems.

Private Information will not be retained any longer than is required for the delivery of the service as contracted with the customer. Should a contract cease, data will be deleted according to the instructions of the customer's data controller and will have been removed from all back up logs within 6 weeks.

Actus is registered in the UK with the Information Commissioner. Monitoring and Auditing of Access Controls Actus Software with access to data have been subject to the following checks/training:

- Verification of identity checks
- Right to work checks
- Professional registration and qualification checks
- Employment history and reference checks
- Criminal record and barring checks
- Occupational health checks
- Data Protection & GDPR procedures

Data Protection Impact Assessment (DPIA)

Where Actus is acting as a Data Processor to provide a SaaS Service or a Data Controller as outlined above our DPIA has been assessed as being low to medium risk and the controls outlined above are considered to be sufficient. Our DPIA process is as follows:

- We describe the nature, scope, context and purposes of the processing.
- We ask our data processors to help us understand and document their processing activities and identify any associated risks.
- We consider how best to consult individuals (or their representatives) and other relevant stakeholders.
- We ask for the advice of our data protection officer.
- We check that the processing is necessary for and proportionate to our purposes, and describe how we will ensure data protection compliance.
- We do an [objective assessment](#) of the likelihood and severity of any risks to individuals' rights and interests.
- We identify measures we can put in place to eliminate or reduce high risks.
- We record our decision-making in the outcome of the DPIA, including any difference of opinion with our DPO or individuals consulted.
- We implement the measures we identified, and integrate them into our project plan.
- We will consult the ICO before processing, if we cannot mitigate high risks.
- We keep our DPIAs under review and revisit them when necessary.

Employee Engagement Surveys and 360 feedback

When Actus Software manages an employee engagement or 360 survey on behalf of a Client Company data will be anonymised so that individual responses or comments cannot be identified (with the exception of manager comments in 360 feedback). This is considered to be in the interests of the individual and the Client Company and is an essential principle to uphold the integrity of objective surveys and feedback tools.

Get in touch

You have the right to ask us not to process your personal data for marketing purposes. We will usually inform you (before collecting your data) if we intend to use your data for such purposes and operate an 'Opt-In' approach to our marketing. You can also exercise the right at any time, or discuss any other data protection matters with us, by contacting us at dataprotection@actus.co.uk for the attention of the Data Protection Officer.

Our site may, from time to time, contain links to and from the websites of our partner networks, advertisers and affiliates. If you follow a link to any of these websites, please note that these websites have their own privacy policies and that we do not accept any responsibility or liability for these policies. Please check these policies before you submit any personal data to these websites.

Data Subjects, Controllers or any other concerned parties wishing to discuss matters relating to data protection, such as a Subject Access Request or concern over a security incident or data breach please email dataprotection@actus.co.uk. The email address is monitored within working hours and you should receive a reply within two working days.